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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/601,093      | 06/20/2003  | Kaoru Haruna         | FY.50639US0A        | 9756             |

20995 7590 01/29/2008  
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| EXAMINER |
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RESTIFO, JEFFREY J

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| ART UNIT | PAPER NUMBER |
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3618

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

01/29/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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|                              |                                       |                                      |  |
|------------------------------|---------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/601,093  | <b>Applicant(s)</b><br>HARUNA ET AL. |  |
|                              | <b>Examiner</b><br>Jeffrey J. Restifo | <b>Art Unit</b><br>3618              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/29/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-17, 24, 25, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 6, 23, 26 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7, 9, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westberg (US 3,718,341 A) and in further view of Cook et al. (US 6,308,966 B1).

Westberg discloses a ski comprising a body 11, wear bar 12, and a detachable, adjustable glide member 26 disposed on the bottom of the ski and extending below and around the wear bar at an angle and located forward and rearward of the brackets, as shown in figures 1-5. Westburg does not disclose a single pivot point on the ski bracket. Cook et al. does disclose a ski with a single bracket with pivot point 16, as

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shown in figures 1-2. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the ski of Westburg et al. with the bracket and pivot point of Cook et al. in order to allow the ski pivot and have a contemporary suspension.

With respect to claims 18-22, Neither Westberg nor Cook et al. disclose the snowmobile comprising an engine, drive track, transmission, or steering mechanism, all of these components are conventional on snowmobiles.

2. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westberg and Cook et al., as applied to claim 1 above, and further in view of Methany (US 5,040,818 A).

Neither Westberg nor Cook et al. disclose a keel with cleat. Methany does disclose a ski comprising a keel 304, 305 with recess for housing a wear bar 115 and cleat 116, as shown in figure 3. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the ski of Westberg and Cook et al. with the keel, cleat, and wear bar of Methany in order to increase steering ability.

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westburg and Cook et al., as applied to claim 1 above.

With respect to claims 4 and 8, simply adding extra glide members and/or making them integral with the ski is not patentable unless it produces an unexpected result and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have given the ski of Westberg and Cook et al. an extra glide

member and made them integral with the ski in order to increase steering control and increase strength of the connections.

***Allowable Subject Matter***

1. Claims 12-17, 24, 25, 27, and 28 are allowed.
2. Claims 6, 23, 26 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey J Restifo  
Primary Examiner  
Art Unit 3618

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